IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22096 of 1994

Between:

Jetta Palguna S/o.Bhikshapathi, aged about 14 years,
minor rep.by its father Jetta Bhikshapathi R/o.Raipally

Village, Athmakur Mandal, Nalgonda District.

..... PETITIONER

AND

The Mandal Revenue Officer and Land Acquisition Officer,
Athmakur Mandal, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction declaring the inaction of the respondent herein in not referring the case of the petitioner to a Civil Court under Sec.18 of the Land Acquisition Act for correct determination of the compensation payable to the petitioner for the land admeasuring Ac.4.50 cts situate in S.NO.130 of Raipally Village, Athmakur Mandal, Nalgonda District, which was acquired and in respect of which award in proceedings No.A/31/92, dt.28-3-1992 was passed by the respondent herein as arbitrary, unreasonable, contrary to the provisions of the Land Acquisition Act and hence violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India and the constitutional right guaranteed under Art.300-A of the Constitution of India and issue a consequential direction to the respondent herein to refer the case of the petitioner to a Civil Court under Sec.18 of the Land Acquisition Act for correct determination of the compensation payable to him for the above said land.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent : G.P. for Land Acquisition.

The Court made the following :

O R D E R:

Heard both sides.

The petitioner herein who claims to be the owner of the land in S.No.130, situate at Raipally Village, Athmakur Village, Nalgonda District filed this writ petition seeking for a reference under Section 18 of the Land Acquisition Act to a competent Civil Court.

The only dispute raised by the petitioner is that the said land was acquired as per the notification issued by the respondent authorities under Section 4(1) of the Land Acquisition Act, dated 23.01.1992 and till date, no reference was made to a competent Civil Court for determination of the compensation payable to him.

The learned counsel for the petitioner submits that in spite of filing an application by the petitioner, dated 02.04.1992 seeking reference under Section 18 of the Land Acquisition Act, the same was not considered.

As the petitioner was already issued notice and acknowledgment was also received by him, the writ petition is allowed directing the respondents to make a

reference to a competent civil Court under Section 18 of the Land Acquisition Act for determination of the market value, within a period of three months from the date of receipt of a copy of this order. No costs.

12.08.2004

tjs

That rule Nisi has been made absolute as above.

Witness the Hon"ble Sri Devinder Gupta, the Chief Justice on this

Thursday the Twelfth Day of August, Two Thousand And Four

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Mandal Revenue Officer and Land Acquisition Officer,

Athmakur Mandal, Nalgonda District.

2.Two C.Cs. to the Government Pleader for Land Acquisition, High

Court of A.P., Hyderabad. (O.U.T)

3.Two C.D. copies.